

**ESHB 1727** - S AMD 451  
By Senator Fairley

1       Strike everything after the enacting clause and insert the  
2 following:

3       "**Sec. 1.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to  
4 read as follows:

5       The comprehensive plan of a county or city that is required or  
6 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
7 and descriptive text covering objectives, principles, and standards  
8 used to develop the comprehensive plan. The plan shall be an  
9 internally consistent document and all elements shall be consistent  
10 with the future land use map. A comprehensive plan shall be adopted  
11 and amended with public participation as provided in RCW 36.70A.140.

12       Each comprehensive plan shall include a plan, scheme, or design for  
13 each of the following:

14       (1) A land use element designating the proposed general  
15 distribution and general location and extent of the uses of land, where  
16 appropriate, for agriculture, timber production, housing, commerce,  
17 industry, recreation, open spaces, general aviation airports, public  
18 utilities, public facilities, and other land uses. The land use  
19 element shall include population densities, building intensities, and  
20 estimates of future population growth. The land use element shall  
21 designate, as appropriate, a sufficient quantity of land needed for  
22 residential, commercial, and industrial uses. The land use element  
23 shall provide for protection of the quality and quantity of ground  
24 water used for public water supplies. Wherever possible, the land use  
25 element should consider utilizing urban planning approaches that  
26 promote physical activity. Where applicable, the land use element  
27 shall review drainage, flooding, and storm water run-off in the area  
28 and nearby jurisdictions and provide guidance for corrective actions to  
29 mitigate or cleanse those discharges that pollute waters of the state,  
30 including Puget Sound or waters entering Puget Sound.

1 (2) A housing element ensuring the vitality and character of  
2 established residential neighborhoods that: (a) Includes an inventory  
3 and analysis of existing and projected housing needs that identifies  
4 the number of housing units necessary to (~~manage~~) accommodate  
5 projected growth; (b) includes a statement of goals, policies,  
6 objectives, and mandatory provisions for the preservation, improvement,  
7 and development of housing, including single-family residences; (c)  
8 identifies a sufficient quantity of land suitable for meeting the  
9 existing and projected housing needs identified in (a) of this  
10 subsection, including, but not limited to, government-assisted housing,  
11 housing for low-income families, manufactured housing, multifamily  
12 housing, and group homes and foster care facilities; and (d) makes  
13 adequate provisions for existing and projected needs of all economic  
14 segments of the community.

15 (3) A capital facilities plan element consisting of: (a) An  
16 inventory of existing capital facilities owned by public entities,  
17 showing the locations and capacities of the capital facilities; (b) a  
18 forecast of the future needs for such capital facilities; (c) the  
19 proposed locations and capacities of expanded or new capital  
20 facilities; (d) at least a six-year plan that will finance such capital  
21 facilities within projected funding capacities and clearly identifies  
22 sources of public money for such purposes; and (e) a requirement to  
23 reassess the land use element if probable funding falls short of  
24 meeting existing needs and to ensure that the land use element, capital  
25 facilities plan element, and financing plan within the capital  
26 facilities plan element are coordinated and consistent. Park and  
27 recreation facilities shall be included in the capital facilities plan  
28 element.

29 (4) A utilities element consisting of the general location,  
30 proposed location, and capacity of all existing and proposed utilities,  
31 including, but not limited to, electrical lines, telecommunication  
32 lines, and natural gas lines.

33 (5) Rural element. Counties shall include a rural element  
34 including lands that are not designated for urban growth, agriculture,  
35 forest, or mineral resources. The following provisions shall apply to  
36 the rural element:

37 (a) Growth management act goals and local circumstances. Because  
38 circumstances vary from county to county, in establishing patterns of

1 rural densities and uses, a county may consider local circumstances,  
2 but shall develop a written record explaining how the rural element  
3 harmonizes the planning goals in RCW 36.70A.020 and meets the  
4 requirements of this chapter.

5 (b) Rural development. The rural element shall permit rural  
6 development, forestry, and agriculture in rural areas. The rural  
7 element shall provide for a variety of rural densities, uses, essential  
8 public facilities, and rural governmental services needed to serve the  
9 permitted densities and uses. To achieve a variety of rural densities  
10 and uses, counties may provide for clustering, density transfer, design  
11 guidelines, conservation easements, and other innovative techniques  
12 that will accommodate appropriate rural densities and uses that are not  
13 characterized by urban growth and that are consistent with rural  
14 character.

15 (c) Measures governing rural development. The rural element shall  
16 include measures that apply to rural development and protect the rural  
17 character of the area, as established by the county, by:

- 18 (i) Containing or otherwise controlling rural development;
- 19 (ii) Assuring visual compatibility of rural development with the  
20 surrounding rural area;
- 21 (iii) Reducing the inappropriate conversion of undeveloped land  
22 into sprawling, low-density development in the rural area;
- 23 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and  
24 surface water and ground water resources; and
- 25 (v) Protecting against conflicts with the use of agricultural,  
26 forest, and mineral resource lands designated under RCW 36.70A.170.

27 (d) Limited areas of more intensive rural development. Subject to  
28 the requirements of this subsection and except as otherwise  
29 specifically provided in this subsection (5)(d), the rural element may  
30 allow for limited areas of more intensive rural development, including  
31 necessary public facilities and public services to serve the limited  
32 area as follows:

- 33 (i) Rural development consisting of the infill, development, or  
34 redevelopment of existing commercial, industrial, residential, or  
35 mixed-use areas, whether characterized as shoreline development,  
36 villages, hamlets, rural activity centers, or crossroads developments.

37 (A) A commercial, industrial, residential, shoreline, or mixed-use

1 area shall be subject to the requirements of (d)(iv) of this  
2 subsection, but shall not be subject to the requirements of (c)(ii) and  
3 (iii) of this subsection.

4 (B) Any development or redevelopment other than an industrial area  
5 or an industrial use within a mixed-use area or an industrial area  
6 under this subsection (5)(d)(i) must be principally designed to serve  
7 the existing and projected rural population.

8 (C) Any development or redevelopment in terms of building size,  
9 scale, use, or intensity shall be consistent with the character of the  
10 existing areas. Development and redevelopment may include changes in  
11 use from vacant land or a previously existing use so long as the new  
12 use conforms to the requirements of this subsection (5);

13 (ii) The intensification of development on lots containing, or new  
14 development of, small-scale recreational or tourist uses, including  
15 commercial facilities to serve those recreational or tourist uses, that  
16 rely on a rural location and setting, but that do not include new  
17 residential development. A small-scale recreation or tourist use is  
18 not required to be principally designed to serve the existing and  
19 projected rural population. Public services and public facilities  
20 shall be limited to those necessary to serve the recreation or tourist  
21 use and shall be provided in a manner that does not permit low-density  
22 sprawl;

23 (iii) The intensification of development on lots containing  
24 isolated nonresidential uses or new development of isolated cottage  
25 industries and isolated small-scale businesses that are not principally  
26 designed to serve the existing and projected rural population and  
27 nonresidential uses, but do provide job opportunities for rural  
28 residents. Rural counties may allow the expansion of small-scale  
29 businesses as long as those small-scale businesses conform with the  
30 rural character of the area as defined by the local government  
31 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also  
32 allow new small-scale businesses to utilize a site previously occupied  
33 by an existing business as long as the new small-scale business  
34 conforms to the rural character of the area as defined by the local  
35 government according to RCW 36.70A.030(~~((+14))~~) (15). Public services  
36 and public facilities shall be limited to those necessary to serve the  
37 isolated nonresidential use and shall be provided in a manner that does  
38 not permit low-density sprawl;

1 (iv) A county shall adopt measures to minimize and contain the  
2 existing areas or uses of more intensive rural development, as  
3 appropriate, authorized under this subsection. Lands included in such  
4 existing areas or uses shall not extend beyond the logical outer  
5 boundary of the existing area or use, thereby allowing a new pattern of  
6 low-density sprawl. Existing areas are those that are clearly  
7 identifiable and contained and where there is a logical boundary  
8 delineated predominately by the built environment, but that may also  
9 include undeveloped lands if limited as provided in this subsection.  
10 The county shall establish the logical outer boundary of an area of  
11 more intensive rural development. In establishing the logical outer  
12 boundary the county shall address (A) the need to preserve the  
13 character of existing natural neighborhoods and communities, (B)  
14 physical boundaries such as bodies of water, streets and highways, and  
15 land forms and contours, (C) the prevention of abnormally irregular  
16 boundaries, and (D) the ability to provide public facilities and public  
17 services in a manner that does not permit low-density sprawl;

18 (v) For purposes of (d) of this subsection, an existing area or  
19 existing use is one that was in existence:

20 (A) On July 1, 1990, in a county that was initially required to  
21 plan under all of the provisions of this chapter;

22 (B) On the date the county adopted a resolution under RCW  
23 36.70A.040(2), in a county that is planning under all of the provisions  
24 of this chapter under RCW 36.70A.040(2); or

25 (C) On the date the office of financial management certifies the  
26 county's population as provided in RCW 36.70A.040(5), in a county that  
27 is planning under all of the provisions of this chapter pursuant to RCW  
28 36.70A.040(5).

29 (e) Exception. This subsection shall not be interpreted to permit  
30 in the rural area a major industrial development or a master planned  
31 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
32 36.70A.365.

33 (6) A transportation element that implements, and is consistent  
34 with, the land use element.

35 (a) The transportation element shall include the following  
36 subelements:

37 (i) Land use assumptions used in estimating travel;

1 (ii) Estimated traffic impacts to state-owned transportation  
2 facilities resulting from land use assumptions to assist the department  
3 of transportation in monitoring the performance of state facilities, to  
4 plan improvements for the facilities, and to assess the impact of land-  
5 use decisions on state-owned transportation facilities;

6 (iii) Facilities and services needs, including:

7 (A) An inventory of air, water, and ground transportation  
8 facilities and services, including transit alignments and general  
9 aviation airport facilities, to define existing capital facilities and  
10 travel levels as a basis for future planning. This inventory must  
11 include state-owned transportation facilities within the city or  
12 county's jurisdictional boundaries;

13 (B) Level of service standards for all locally owned arterials and  
14 transit routes to serve as a gauge to judge performance of the system.  
15 These standards should be regionally coordinated;

16 (C) For state-owned transportation facilities, level of service  
17 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,  
18 to gauge the performance of the system. The purposes of reflecting  
19 level of service standards for state highways in the local  
20 comprehensive plan are to monitor the performance of the system, to  
21 evaluate improvement strategies, and to facilitate coordination between  
22 the county's or city's six-year street, road, or transit program and  
23 the department of transportation's six-year investment program. The  
24 concurrency requirements of (b) of this subsection do not apply to  
25 transportation facilities and services of statewide significance except  
26 for counties consisting of islands whose only connection to the  
27 mainland are state highways or ferry routes. In these island counties,  
28 state highways and ferry route capacity must be a factor in meeting the  
29 concurrency requirements in (b) of this subsection;

30 (D) Specific actions and requirements for bringing into compliance  
31 locally owned transportation facilities or services that are below an  
32 established level of service standard;

33 (E) Forecasts of traffic for at least ten years based on the  
34 adopted land use plan to provide information on the location, timing,  
35 and capacity needs of future growth;

36 (F) Identification of state and local system needs to meet current  
37 and future demands. Identified needs on state-owned transportation

1 facilities must be consistent with the statewide multimodal  
2 transportation plan required under chapter 47.06 RCW;

3 (iv) Finance, including:

4 (A) An analysis of funding capability to judge needs against  
5 probable funding resources;

6 (B) A multiyear financing plan based on the needs identified in the  
7 comprehensive plan, the appropriate parts of which shall serve as the  
8 basis for the six-year street, road, or transit program required by RCW  
9 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795  
10 for public transportation systems. The multiyear financing plan should  
11 be coordinated with the ((~~six-year~~)) ten-year improvement program  
12 developed by the department of transportation as required by RCW  
13 47.05.030;

14 (C) If probable funding falls short of meeting identified needs, a  
15 discussion of how additional funding will be raised, or how land use  
16 assumptions will be reassessed to ensure that level of service  
17 standards will be met;

18 (v) Intergovernmental coordination efforts, including an assessment  
19 of the impacts of the transportation plan and land use assumptions on  
20 the transportation systems of adjacent jurisdictions;

21 (vi) Demand-management strategies;

22 (vii) Pedestrian and bicycle component to include collaborative  
23 efforts to identify and designate planned improvements for pedestrian  
24 and bicycle facilities and corridors that address and encourage  
25 enhanced community access and promote healthy lifestyles.

26 (b) After adoption of the comprehensive plan by jurisdictions  
27 required to plan or who choose to plan under RCW 36.70A.040, local  
28 jurisdictions must adopt and enforce ordinances which prohibit  
29 development approval if the development causes the level of service on  
30 a locally owned transportation facility to decline below the standards  
31 adopted in the transportation element of the comprehensive plan, unless  
32 transportation improvements or strategies to accommodate the impacts of  
33 development are made concurrent with the development. These strategies  
34 may include increased public transportation service, ride sharing  
35 programs, demand management, and other transportation systems  
36 management strategies. For the purposes of this subsection (6)  
37 "concurrent with the development" shall mean that improvements or

1 strategies are in place at the time of development, or that a financial  
2 commitment is in place to complete the improvements or strategies  
3 within six years.

4 (c) The transportation element described in this subsection (6),  
5 and the six-year plans required by RCW 35.77.010 for cities, RCW  
6 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
7 systems, and the ten-year plan required by RCW 47.05.030 for the state,  
8 must be consistent.

9 (7) An economic development element establishing local goals,  
10 policies, objectives, and provisions for economic growth and vitality  
11 and a high quality of life. The element shall include: (a) A summary  
12 of the local economy such as population, employment, payroll, sectors,  
13 businesses, sales, and other information as appropriate; (b) a summary  
14 of the strengths and weaknesses of the local economy defined as the  
15 commercial and industrial sectors and supporting factors such as land  
16 use, transportation, utilities, education, work force, housing, and  
17 natural/cultural resources; and (c) an identification of policies,  
18 programs, and projects to foster economic growth and development and to  
19 address future needs. A city that has chosen to be a residential  
20 community is exempt from the economic development element requirement  
21 of this subsection.

22 (8) A park and recreation element that implements, and is  
23 consistent with, the capital facilities plan element as it relates to  
24 park and recreation facilities. The element shall include: (a)  
25 Estimates of park and recreation demand for at least a ten-year period;  
26 (b) an evaluation of facilities and service needs; and (c) an  
27 evaluation of intergovernmental coordination opportunities to provide  
28 regional approaches for meeting park and recreational demand.

29 (9) It is the intent that new or amended elements required after  
30 January 1, 2002, be adopted concurrent with the scheduled update  
31 provided in RCW 36.70A.130. Requirements to incorporate any such new  
32 or amended elements shall be null and void until funds sufficient to  
33 cover applicable local government costs are appropriated and  
34 distributed by the state at least two years before local government  
35 must update comprehensive plans as required in RCW 36.70A.130.

36 **Sec. 2.** RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9 are each  
37 amended to read as follows:



1 A comprehensive plan (~~should~~) may provide for innovative land use  
2 management techniques, including, but not limited to, density bonuses,  
3 cluster housing, planned unit developments, mixed-use development,  
4 accessory dwelling units, and the transfer of development rights.  
5 Jurisdictions that are not subject to the requirements of RCW  
6 43.63A.215 may provide for accessory dwelling units in their  
7 comprehensive plans and development regulations.

8 NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW  
9 to read as follows:

10 (1) A county and one or more of its cities, or two or more counties  
11 sharing a common border and their cities, may adopt countywide planning  
12 policies or multicounty planning policies establishing subregions in  
13 order to address housing and employment markets that cross  
14 jurisdictional boundaries. Policies adopted under this section may  
15 include, but are not limited to:

16 (a) Policies that reallocate among the counties and cities in the  
17 subregion the population growth established for each local government  
18 under RCW 36.70A.110;

19 (b) Policies that provide for a sufficient number of housing units  
20 to accommodate the existing housing needs and projected population  
21 growth in the subregion; and

22 (c) Policies that provide for sufficient land suitable for  
23 development to meet the needs for commercial and industrial growth in  
24 the subregion.

25 (2) The local governments within the subregion may use the  
26 countywide planning policies or multicounty planning policies,  
27 interlocal agreements under chapter 39.34 RCW, or any other appropriate  
28 mechanism to implement the policies established under subsection (1) of  
29 this section.

30 **Sec. 4.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read  
31 as follows:

32 (1) In accordance with the requirements of this section, each  
33 county that is required or chooses to plan under RCW 36.70A.040 shall  
34 designate an urban growth area or areas within which urban growth shall  
35 be encouraged and outside of which growth can occur only if it is not  
36 urban in nature. Each city that is located in such a county shall be

1 included within an urban growth area. An urban growth area may include  
2 more than a single city. An urban growth area may include territory  
3 that is located outside of a city only if such territory already is  
4 characterized by urban growth whether or not the urban growth area  
5 includes a city, or is adjacent to territory already characterized by  
6 urban growth, or is a designated new fully contained community as  
7 defined by RCW 36.70A.350.

8 (2) Based upon the growth management population projection made for  
9 the county by the office of financial management, the county and each  
10 city within the county shall include areas and densities sufficient to  
11 permit the urban growth that is projected to occur in the county or  
12 city for the succeeding twenty-year period, except for those urban  
13 growth areas contained totally within a national historical reserve.

14 Each urban growth area shall permit urban densities and shall  
15 include greenbelt and open space areas. In the case of urban growth  
16 areas contained totally within a national historical reserve, the city  
17 may restrict densities, intensities, and forms of urban growth as  
18 determined to be necessary and appropriate to protect the physical,  
19 cultural, or historic integrity of the reserve. An urban growth area  
20 determination may include a reasonable land market supply factor and  
21 shall permit a range of urban densities and uses. In determining this  
22 market factor, cities and counties may consider local circumstances.  
23 Cities and counties have discretion in their comprehensive plans to  
24 make many choices about accommodating growth.

25 Within one year of July 1, 1990, each county that as of June 1,  
26 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
27 consulting with each city located within its boundaries and each city  
28 shall propose the location of an urban growth area. Within sixty days  
29 of the date the county legislative authority of a county adopts its  
30 resolution of intention or of certification by the office of financial  
31 management, all other counties that are required or choose to plan  
32 under RCW 36.70A.040 shall begin this consultation with each city  
33 located within its boundaries. The county shall attempt to reach  
34 agreement with each city on the location of an urban growth area within  
35 which the city is located. If such an agreement is not reached with  
36 each city located within the urban growth area, the county shall  
37 justify in writing why it so designated the area an urban growth area.  
38 A city may object formally with the department over the designation of

1 the urban growth area within which it is located. Where appropriate,  
2 the department shall attempt to resolve the conflicts, including the  
3 use of mediation services.

4 (3) Counties subject to RCW 36.70A.215 and counties east of the  
5 crest of the Cascade mountain range with a population greater than four  
6 hundred thousand must:

7 (a) Consult with cities within each urban growth area in the county  
8 about developing criteria and procedures that may improve the process  
9 of modifying or designating new urban growth areas;

10 (b) Upon request, consult with any city or cities within the county  
11 that abut an unincorporated urban growth area or areas about adopting  
12 consistent development standards with those of the city or cities  
13 located within or adjacent to the urban growth areas; and

14 (c) Submit a report to the appropriate committees of the house of  
15 representatives and the senate by December 1, 2007, summarizing  
16 findings and recommendations resulting from the consultations required  
17 in (a) and (b) of this subsection. The reports required in this  
18 subsection may be submitted by individual jurisdictions or jointly by  
19 participating jurisdictions.

20 (4) Urban growth should be located first in areas already  
21 characterized by urban growth that have adequate existing public  
22 facility and service capacities to serve such development, second in  
23 areas already characterized by urban growth that will be served  
24 adequately by a combination of both existing public facilities and  
25 services and any additional needed public facilities and services that  
26 are provided by either public or private sources, and third in the  
27 remaining portions of the urban growth areas. Urban growth may also be  
28 located in designated new fully contained communities as defined by RCW  
29 36.70A.350.

30 ~~((4))~~ (5) In general, cities are the units of local government  
31 most appropriate to provide urban governmental services. In general,  
32 it is not appropriate that urban governmental services be extended to  
33 or expanded in rural areas except in those limited circumstances shown  
34 to be necessary to protect basic public health and safety and the  
35 environment and when such services are financially supportable at rural  
36 densities and do not permit urban development.

37 ~~((5))~~ (6) On or before October 1, 1993, each county that was  
38 initially required to plan under RCW 36.70A.040(1) shall adopt

1 development regulations designating interim urban growth areas under  
2 this chapter. Within three years and three months of the date the  
3 county legislative authority of a county adopts its resolution of  
4 intention or of certification by the office of financial management,  
5 all other counties that are required or choose to plan under RCW  
6 36.70A.040 shall adopt development regulations designating interim  
7 urban growth areas under this chapter. Adoption of the interim urban  
8 growth areas may only occur after public notice; public hearing; and  
9 compliance with the state environmental policy act, chapter 43.21C RCW,  
10 and RCW 36.70A.110. Such action may be appealed to the appropriate  
11 growth management hearings board under RCW 36.70A.280. Final urban  
12 growth areas shall be adopted at the time of comprehensive plan  
13 adoption under this chapter.

14 ((+6+)) (7) Each county shall include designations of urban growth  
15 areas in its comprehensive plan.

16 ((+7+)) (8) An urban growth area designated in accordance with this  
17 section may include within its boundaries urban service areas or  
18 potential annexation areas designated for specific cities or towns  
19 within the county.

20 **Sec. 5.** RCW 36.70A.177 and 2006 c 147 s 1 are each amended to read  
21 as follows:

22 (1) A county or a city may use a variety of innovative zoning  
23 techniques in areas designated as agricultural lands of long-term  
24 commercial significance under RCW 36.70A.170. The innovative zoning  
25 techniques should be designed to conserve agricultural lands and  
26 encourage the agricultural economy. Except as provided in subsection  
27 (3) of this section, a county or city (~~should~~) shall encourage  
28 nonagricultural uses, including wetland mitigation banking projects, to  
29 be limited to lands with poor soils or otherwise not suitable for  
30 agricultural purposes.

31 (2) Innovative zoning techniques a county or city may consider  
32 include, but are not limited to:

33 (a) Agricultural zoning, which limits the density of development  
34 and restricts or prohibits nonfarm uses of agricultural land and may  
35 allow accessory uses, including nonagricultural accessory uses and  
36 activities, that support, promote, or sustain agricultural operations  
37 and production, as provided in subsection (3) of this section;

1 (b) Cluster zoning, which allows new development on one portion of  
2 the land, leaving the remainder in agricultural or open space uses;

3 (c) Large lot zoning, which establishes as a minimum lot size the  
4 amount of land necessary to achieve a successful farming practice;

5 (d) Quarter/quarter zoning, which permits one residential dwelling  
6 on a one-acre minimum lot for each one-sixteenth of a section of land;  
7 and

8 (e) Sliding scale zoning, which allows the number of lots for  
9 single-family residential purposes with a minimum lot size of one acre  
10 to increase inversely as the size of the total acreage increases.

11 (3) Accessory uses allowed under subsection (2)(a) of this section  
12 shall comply with the following:

13 (a) Accessory uses shall be located, designed, and operated so as  
14 to not interfere with, and to support the continuation of, the overall  
15 agricultural use of the property and neighboring properties, and shall  
16 comply with the requirements of this chapter;

17 (b) Accessory uses may include:

18 (i) Agricultural accessory uses and activities, including but not  
19 limited to the storage, distribution, and marketing of regional  
20 agricultural products from one or more producers, agriculturally  
21 related experiences, or the production, marketing, and distribution of  
22 value-added agricultural products, including support services that  
23 facilitate these activities; and

24 (ii) Nonagricultural accessory uses and activities as long as they  
25 are consistent with the size, scale, and intensity of the existing  
26 agricultural use of the property and the existing buildings on the  
27 site. Nonagricultural accessory uses and activities, including new  
28 buildings, parking, or supportive uses, shall not be located outside  
29 the general area already developed for buildings and residential uses  
30 and shall not otherwise convert more than one acre of agricultural land  
31 to nonagricultural uses; and

32 (c) Counties and cities have the authority to limit or exclude  
33 accessory uses otherwise authorized in this subsection (3) in areas  
34 designated as agricultural lands of long-term commercial significance.

35 (4)(a) Off-site wetland mitigation banking projects, as provided  
36 for in chapter 90.84 RCW, including but not limited to projects for  
37 residential, commercial, or industrial purposes, may be permitted by  
38 conditional or special use on agricultural lands, including

1 agricultural lands of long-term commercial significance, if the local  
2 government has adopted criteria for evaluating and permitting such  
3 projects. The criteria shall reflect the priority expressed in this  
4 chapter for preserving agricultural lands of long-term commercial  
5 significance, without precluding the establishment of wetland  
6 mitigation bank sites on lands with poor soils or otherwise not  
7 suitable for agricultural purposes. The criteria shall minimize the  
8 impact on the continued agricultural use of high value agricultural  
9 lands of long-term commercial significance. Conservation projects that  
10 consist of exclusively planting vegetation or on-site mitigation  
11 projects required for permitted activities shall be allowed.

12 (b) This subsection (4) shall not affect lands purchased or  
13 otherwise acquired before June 30, 2001, by a port district in whole or  
14 in part for use as a wetland mitigation bank.

15 (5) This section shall not be interpreted to limit agricultural  
16 production on designated agricultural lands."

**ESHB 1727** - S AMD

By Senator Fairley

17 On page 1, line 2 of the title, after "growth;" strike the  
18 remainder of the title and insert "amending RCW 36.70A.070, 36.70A.090,  
19 36.70A.110, and 36.70A.177; and adding a new section to chapter 36.70A  
20 RCW."

--- END ---